

Remarks

Reconsideration of this application, is respectfully requested.

Claims 1-20 remain in this case for consideration.

Claims 1, 2, 4, 5, 7-9 and 14 stand finally rejected, while claims 3, 6, 10-13 and 15-20 stand objected to, but are considered to contain allowable subject matter.

Claims 1, 2, 4, 5, 7-9 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenbalm et al. in view of Scarnato et al.. It is respectfully submitted that, base claims 1 and 14 define patentably over this combination of references.

Specifically, among other structure, claims 1 and 14 each require at least one converging drum to have a lower end including an outer peripheral edge located at a first distance above a path followed by knife blades carried by the at least one rotary disc and to include an inner region surrounding the axis of rotation of the converging drum and located a second distance, which is greater than said first distance, above said path, thereby creating a relief area beneath said at least one converging drum and with said relief area being devoid of any structure thereby permitting crop to move into the relief area, with it being noted that the knife blades of the at least one rotary disc passes vertically beneath the outer peripheral edge of the lower end of the converging drum.

As the Examiner has recognized, the converging drums 110 and 112 of Rosenbalm et al. do not have lower ends which define the required relief area into which crop may move.

The Examiner asserts that the frusto-conical shroud 47 of Scarnato et al. defines a relief area into which crop can move. However the spherical cap 50 which is mounted to the bottom of the drum 36 substantially covers the area beneath the shroud 47 and prevents crop from moving into the space defined by the shroud 47.

Thus, Scarnato et al. does not teach a relief area that is devoid of structure so as to allow crop to move into the relief area. The cap 50 of Scarnato et al. covers any relief area that would otherwise be created by the shroud 47 and thus there is no relief area above the blades into which crop can move. The Examiner further asserts that the bottom of the conveying drum of Scarnato is not structure that would restrict material from moving into the relief area. It is respectfully submitted that if the shroud 47 of Scarnato is argued to define the outer peripheral edge located a first distance vertically above a path followed by knife blades carried by said at least one of said rotary discs and including an inner region surrounding said upright axis and located a second distance, which is greater than said first distance, above said path, thereby creating a relief area beneath said at least one converging drum, as claimed, then the cap 50 necessarily blocks crop from moving into this area. Thus the structure of Scarnato is not devoid of any further structure so as to allow crop to move into said relief area. Scarnato et al. simply does not have the claimed relief area into which crop can move. Accordingly, even if the Scarnato and Rosenbalm references are combined, the claimed invention is not obvious.

Claims 2, 4, 5, and 7-9 depend either directly or indirectly from claim 1 and are likewise thought allowable.

In view of the above, claims 3, 6, 10-13 and 15-20 are each dependent from respective claims thought allowable, and hence are thought also to be in condition for allowance.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

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Respectfully,



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